

**California State Department of Social Services
ICWA Workgroup**

**744 P Street, Conference Room 1030
Sacramento, CA 95814**

September 14, 2010

Minutes

- **Welcome/Introductions.** The previous meeting's minutes were reviewed and approved as written.
- **Administrative Office of the Courts Report.** Jennifer Walter, Attorney, Administrative Office of the Courts, presented a report. Jennifer talked about their Tribal Projects Unit, which the AOC established in November 2009. They continue to provide technical assistance to courts and counties and local trainings on ICWA issues. They also recently took part in a stakeholder meeting convened by the Tribal Law and Policy Institute to identify statewide sources of data and strategies to pursue to encourage those statewide agencies to collect tribal-specific data. They are also involved in curriculum development and are working with their consultant, Shared Vision Consultants, to develop elements of the advanced ICWA curriculum. Tribal Projects staff is also working with their consultant, Linda Smullenberger, Executive Director of the Kene Me-Wu Family Healing Center, Inc., to develop curriculum for tribal advocates primarily for Native American victims of family violence, but also for alleged perpetrators and how to navigate the state court system.

The Tribal Projects Unit also continues to collaborate and has been asked to partner with BACAIR (Bay Area Collaborative of American Indian Resources) to provide educational and technical assistance on ICWA. Vida Castañeda continues to work as part of the American Indian Enhancement Team on the Casey Disproportionality Project on finalizing the ICWA toolkit. Vida also worked in collaboration with Tribal STAR on the filming of the FACES documentary, which is intended for social workers and will explore why Native Americans may or may not identify themselves as Native. It will also discuss the importance of not stereotyping what a Native person may or may not look like, as such stereotyping can hinder proper inquiry.

Ann Gilmour has been working with staff in developing a Tribal Customary Adoption (TCA) web page on the AOC website that will link to existing resources on the CDSS and Tribal STAR websites. Staff is also working with the CDSS to develop a plan for information gathering for purposed of the legislative report. The AOC would appreciate ICWA Workgroup members contacting Ann Gilmour if they have a case where tribal customary adoption is being considered. Even if TCA was only considered and fell through, it gives the ability for tracking and giving a broad spectrum to legislators so they can see what was considered and in how many cases.

Lastly, the California Tribal Court-State Court Forum, which was established in May 2010, has held one in-person meeting in June and two conference calls — one on July 28th and the second on August 25th. At their last meeting, there was a proposal for legislation to amend Welfare and Institutions Code section 827 to give access to tribal courts to any juvenile court records. They also discussed a communication plan and how to make sure that whatever comes out of this body goes back to all of the tribes that have tribal courts, as well as other tribes.

Information regarding AOC's technical assistance, educational offerings, curriculum development, collaborations, and more can be found on the AOC's memorandum regarding their Tribal Projects Unit ICWA Initiative update (emailed prior to this meeting).

- **Legislative Update.** Lee Ann Kelly of CDSS' Office of Child Abuse Prevention presented a report. AB 2417 is a tribal customary adoption clean-up bill with regard to background clearances when tribes conduct their own home study. It also makes a correction regarding the tribal customary adoption order and full faith and credit, to clarify that an adoptive parent does not have full rights until after the state finalizes the adoption. The bill is now enrolled and in the Governor's office awaiting signature. AB 2418 is a foster care bill to extend the provision of ICWA for dependent youth age 18-21. This bill is also enrolled and awaiting the Governor's signature.

There was discussion regarding the federal Tribal Law and Order Act. This Act affects at least seven separate pieces of legislation, particularly amendments that encourage tribal law enforcement and their access to CLETS. It was mentioned that a recent Capitol Weekly article states that the California Sheriff's Association is saying that they are not going to comply with the Tribal Law and Order Act, but rather comply with state law. Liz Sandoval explained that there is some controversy due to CLETS being name-based rather than fingerprint-based because there are accuracy in security issues involved. CLETS can bring up multiple individuals with the same name, and mistakes can be made. Depending on the identifiers that are put into the system, one can end up with criminal background information that does not pertain to the person searched. This act was to allow tribal law enforcement access to CLETS so they can better perform their jobs.

- **Native Foster Youth Presentations.** The Indian Foster Youth Academy was held by Indian Dispute Resolution Services in July 2010 and included training in communication and presentation skills, as well as ICWA and foster youth rights. The Academy was attended by current and former foster youth and, in this training, young people are taught to be advocates. A few of the youth developed three policy change ideas for improving foster care. Derrick McCain attended the Academy and presented these policy change ideas: 1) have foster parents participate in Native American conventions, 2) train foster parents to have more respect for the foster child's culture, and 3) teach foster parents to be open to learn more tactics to support heritage involvement for foster youth. This can be done by passing information to other tribal councils, conduct presentations for other tribal councils, and have youth involved in the process of training foster parents.

- **Subcommittee Updates.**

- **AB 1325 Implementation.** Nicolle Larkins of CDSS' Child and Youth Permanency Branch, Permanency Policy Bureau, presented a report. As the second, more comprehensive ACL has been going through the formal CDSS approval process, Nicolle has been modifying the FAQs. The ACL is in the CDSS sign-off process and is due back to Nicolle by 9/20/10. The new target date for distribution of this ACL is October.
 - **Forms.** They have been modified and published on the CDSS website with the exception of the AAP 4 form. That should be published soon. AOC forms are modified and online, as well as rules of court.
 - **Data.** A Special Projects Code (SPC) has been modified and should be operational in CWS/CMS. It is important where TCA will be discussed at any level that those cases be coded with a SPC so that we can see throughout the life of the case what happened. Hopefully, the majority of those kids would be reunified, and then we would be taking a look at the rest of the cases to see what happened, whether or not TCA was considered, if there were any barriers, and what worked or what didn't work. Nicolle mentioned that there are two other important data elements that can be used to give workers a work-around until or if the System Change Request (SCR) is completed: 1) in the Adoptive Placement notebook, use the date that the TCAO is filed with the court, which will give workers the work-around to complete adoptive placement; and 2) when doing the case plan, check "adoption" or "adoption sibling". If that is flagged with 'yes', then one would know that it would be a TCA. The SCR has the ability for a drop-down menu to be added that would include TCA.
 - **Training.** Three regional workshops were completed — one each in Santa Ana, Sacramento and Madera. They were very well received; participants were very enthusiastic and offered great questions. Other ways to disseminate this information/training is to use NICWA, NCIS, and NRC. The AOC is also building in a TCA component each time they do one of their trainings. Three issues that have come up often regarding tribal customary adoption are 1) confidentiality (WIC 366.24(d)), 2) home study standards, and 3) tribal customary adoption order (TCAO) — counties do not do these, tribes will do. There was discussion regarding CDSS creating a TCA web page within the ICWA web page that would include various TCA resources. An issue was discussed with regard to the lack of TCA training or knowledge among Minor's Counsel.
 - **Regulations.** TCA regulations will not be done until AB 1325 is extended after the sunset date. The Permanency Policy Bureau cannot absorb the extra workload at this time.
- **ICWA Training Subcommittee.** Ashley Franklin presented a report. The standardized ICWA 101 curriculum is in the process of being tested. It should be finished up and rolled out very soon. ICWA 102 regarding Active Efforts and Expert Witness is still in progress. It is mostly done, but there is still more to go. The curriculum and/or toolkit for tribal workers is still a work-in-progress.

- **National Youth in Transition Database (NYTD).** Theresa Thurmond presented a report and provided a handout. The Chafee Foster Care Independence Act (FCIA) of 1999 required the Administration for Children and Families (ACF) to develop and implement a data collection system to track the independent living services provided to youth, and develop outcome measures that may be used to assess a state's performance in operating their Independent Living Programs (ILPs). The data will be collected and reported to the ACF on a semi-annual basis. Beginning in October throughout the country, all states will input data into SACWIS (CWS/CMS for California) and send to the federal government twice per year the ILP services for youth age 16 up to, but not including, 21. All counties were to have been inputting these services into CWS/CMS since 2008; however, California is only at 18% compliance. Starting in October, a longitudinal study will begin where all youth in CWS/CMS turning 17 will be offered a survey. If the services are not being entered into the system, then our state will receive financial penalties to cut ILP funding. Theresa will send Diana information to forward to the workgroup (Fact Sheet, CWDA form, survey, etc.).
- **Other Issues/Announcements.**
 - Ashley mentioned that Diana sent out some attachments for ACINs to the workgroup this morning regarding the Child and Family Services Review (CFSR) schedule, County Self-Assessment (CSA), Peer Quality Case Review (PQCR) and System Improvement Plan (SIP) info. At the last meeting, there was discussion about the triennial schedule and integration guides and how tribes should be encouraged to participate.
- **Next Workgroup Meeting.** The next workgroup meeting is scheduled for Tuesday, November 9, 2010, and is scheduled to be hosted by a tribe in the northern region. Liz DeRouen will contact tribes in the north in search of a host.